

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION

RAUL RODRIGUEZ
Plaintiff

vs.

KAISER-FRANCIS OIL COMPANY and
FLOW TESTING, INC.
Defendants

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Civil No. _____
(JURY DEMANDED)

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes **RAUL RODRIGUEZ**, hereinafter called Plaintiff, complaining of **KAISER-FRANCIS OIL COMPANY and FLOW TESTING, INC.**, hereinafter called Defendants, and for cause of action would respectfully show the Court and jury the following:

1.00 **PARTIES**

1.01 Plaintiff is a resident of Victoria County, Texas.

1.02 Defendant, **KAISER-FRANCIS OIL COMPANY**, is a Delaware corporation licensed to do and doing business in the State of New Mexico and may be served by serving their registered agent for service, CT Corporation System, via certified mail, return receipt requested, restricted delivery, at 206 S. Coronado Ave., Espanola, NM 87532-2792.

1.03 Defendant, **FLOW TESTING, INC.**, is an Oklahoma corporation licensed to do and doing business in the State of New Mexico and may be served by serving their registered agent for service, Registered Agents Inc., via certified mail, return receipt requested, restricted delivery, at 30 N. Gould St., Suite R, Sheridan, WY 82801.

2.00 **JURISDICTION AND VENUE**

2.01 The amount in controversy, exclusive of interest and costs, exceeds the minimum jurisdictional limits of this court.

2.02 Jurisdiction is proper in this court as there is diversity of citizenship between the parties as provided by 28 U.S.C. §1332(a).

2.03 Venue exists in the judicial district pursuant to 28 U.S.C. '1391. Specifically, Defendants do business within and are subject to personal service within the district and division.

3.00 **ACTS OF AGENTS OF CORPORATE DEFENDANTS**

3.01 Whenever in this Original Complaint it is alleged that Defendants did any act or thing or failed to do any act or thing, it is meant that the officers, agents, or employees of Defendants, performed, participated in, or failed to perform the acts or things alleged while in the course and scope of their employment or agency relationship with Defendants.

4.00 **STATEMENT OF FACTS**

4.01 Plaintiff bring this suit to recover for personal injuries sustained by Plaintiff as a result of an accident which occurred on February 22, 2021 in Jal County, New Mexico on a well owned and operated by Defendant, **KAISER-FRANCIS OIL COMPANY**. Plaintiff was an independent contractor attempting to open a ball valve on a skid mounted manifold which was built and maintained by Defendant, **FLOW TESTING, INC.** on Defendant's, **KAISER-FRANCIS OIL COMPANY**, well when he fell causing personal injuries. Both Defendants were aware that the valve was in a dangerous and defective condition. Both Defendants failed to repair, maintain or replace the valve.

5.00 **NEGLIGENCE**

5.01 **KAISER-FRANCIS OIL COMPANY and FLOW TESTING, INC.** were negligent in various acts and omissions, including but not limited to failing to repair, maintain and/or replace the valve, which negligence was the proximate cause of the occurrence in question. Plaintiff's incident and damages were proximately caused by the Defendants' negligence in failing to repair, maintain or replace the valve.

5.02 The above-referenced acts and/or omissions of all the Defendants, when viewed objectively from the standpoint of the Defendants at the time of the occurrence, involved an extreme

degree of risk, considering the probability and magnitude of potential harm to others, and were of such a nature that Defendants had a subjective awareness of the risks involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including but not limited to the Plaintiffs. All of the Defendants should therefore be required to pay exemplary damages for which Plaintiffs now sue. Plaintiffs is entitled to punitive damages in a sufficient amount to punish Defendants for their reckless, wanton, willful, and/or grossly negligent conduct, in order to set an example for others that such conduct will not be tolerated.

6.00 **DAMAGES**

6.01 As result of the above described, the Plaintiff suffered severe personal injuries causing Plaintiff to sustain permanent bodily impairment, disfigurement, loss of earning capacity in the past, and a loss of earning capacity in the future. Plaintiff has experienced physical pain and mental anguish and will, in reasonable probability, continue to do so in the future. Plaintiff has been caused to incur medical charges and expenses in the past and will continue to incur medical expenses in the future for Plaintiff's injuries.

7.00 **PRAYER**

7.01 By reason of the above and foregoing, Plaintiff has been damaged in a sum in excess of the minimum jurisdictional limits of this Court.

7.02 WHEREFORE, Plaintiff prays that the Defendant be duly cited to appear and answer herein; that upon a final trial of this cause, Plaintiff will recover:

1. Judgment against Defendants for Plaintiff's damages as set forth above, in an amount in excess of the minimum jurisdictional limits of this Court;
2. Exemplary damages;
3. Interest on said judgment at the legal rate from date of judgment;
4. Pre-judgment interest as allowed by law;
5. Costs of Court; and

6. Such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

BY: /s/ James D. Tawney.
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ATTORNEYS FOR PLAINTIFF

PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY.